

**STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
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VIA E-mail Delivery: mpassero@ci.New-London.CT.US

Mayor Michael Passero
Office of the Mayor
181 State Street
New London, CT 06320

Re: New London Public School: OCA Investigation Status Update

Dear Mayor Passero:

This letter will provide you with a brief status update and preliminary recommendations from the Office of the Child Advocate ("OCA") with regard to our ongoing investigation into the New London Public School District ("NLPS"), which investigation was initiated at your request following a series of allegations of abuse and neglect of students and alleged failure to report suspected abuse or neglect by various NLPS employees. The publicly reported allegations are similar to those made against a high ranking Hartford Public School employee and the Hartford Public School District in 2017, which was also the subject of a comprehensive investigation conducted by the OCA. The results of the OCA's investigation and resulting recommendations were published in a Report in December of 2017, available on the OCA's website.

As a foundational matter, OCA notes that concerns of sexual abuse/harassment arise in all child serving systems and programs. It is essential that communities appreciate that child sexual abuse is both more prevalent and less likely to be reported than people may realize. A nationwide survey of 8th to 11th graders conducted in 2004 revealed that nearly 7% of students reported having been the recipient of physical sexual contact from an adult in their school; and nearly 10% of students reported being the victim of educator sexual misconduct without touching such as sharing of pornography, sexual talk or sexual exhibitionism (Shakeshaft, 2004).

With that prevalence information in mind, OCA conducts this work with an eye toward providing NLPS as well as other school districts with recommendations that will assist school personnel and school communities in their efforts to prevent child abuse and promote safe and positive school climates. Schools are first and foremost child-serving organizations and therefore must have a sophisticated understanding of child safety and abuse prevention.

At this time, the OCA has completed its initial review of NLPS' policies and practices with regard to mandated reporting of suspected abuse or neglect and the District's policies and practices regarding compliance with federal Title IX obligations--inclusive of the District's framework for the prevention of, and response to concerns of sexual discrimination, harassment or abuse within the school community. Specifically, OCA reviewed District documents related to the following:

- Mandated reporting training, including information regarding quality assurance activities and discipline for failure to participate in training or report concerns of abuse or neglect.
- Child abuse and neglect prevention activities.
- Educator sexual misconduct prevention.
- Title IX compliance activities and complaints by students and staff.
- Training curriculum for staff and students.
- Employee-specific personnel records, job descriptions, supervisory notes, investigation records, human resource activities.

OCA's preliminary review also included extensive examination of child welfare records relating to DCF conducted school-based investigations over a three year period in New London, as well as conversations with various stakeholders across the state to discuss concerns of sexual abuse in schools and begin to develop prevention recommendations. While these state-wide conversations are ongoing, we wanted to provide you with an update to ensure that we are being responsive to your priorities and concerns.

We appreciate that District and New London officials share a commitment to student safety and are engaged in a local process of review and remediation. We are in receipt of information from the District regarding its personnel policy and practice changes as well as new curriculum and innovations designed to support healthy student development and promote positive school culture. At this stage of OCA's work, and to complement those local activities, this letter summarizes for you the activities we have undertaken, outlines a preliminary set of issues for ongoing review and discussion, and proposes times for us to meet in the coming weeks to further discuss these matters more fully and develop recommendations for additional activities that may be undertaken to support student safety and well-being. As OCA's investigation activities are not complete, please accept this letter as an *interim communication* meant to update you and assist with local efforts. It is not a findings letter. OCA notes however that various news outlets' reporting and the results of these outlets' Freedom of Information Act requests have to date revealed a number of historical and urgent concerns regarding the efficacy of District hiring practices and activities to ensure student safety. The complete OCA report will address those specific concerns more fully.

As a general matter, the OCA recommends that the state convene a working group to help create an effective multi-tiered, multi-disciplinary abuse prevention framework for school communities, with the working group to include participation from educators, parents, child abuse prevention experts, necessary state agencies, positive school climate/social-emotional learning curriculum experts, social media professionals and human resource professionals.

The OCA further recommends that the State Department of Education help establish model misconduct prevention policies, accountability measures, and a mechanism for tracking abuse

prevalence to ensure effective local school district implementation of child abuse prevention and Title IX compliance frameworks.

Based on OCA's review, we have identified several areas for administrative consideration and oversight that are relevant to ensuring a safe and supportive environment for students enrolled in the NLPS District and in other school districts as well. At this time, the list is illustrative, but not exhaustive.

1. Sexual Abuse Prevention Policies and Positive School Climate—A multi-tiered approach to prevention and student safety

- Multiple reporting access points for students. Students must know where to go and who to talk to if they have a concern about abuse or harassment. The District should ensure it has multiple developmentally appropriate access points for students, depending on age and communication ability, to report questions or problems to district personnel, a district or community-based ombudsperson, or to an outside agency like DCF. Because youth may be more likely to tell a trusted adult in their family or community about a problem at school, community and family members should know how to report concerns to district personnel, leadership or DCF.
- Policies must address heightened risk of victimization for highly vulnerable students. The District should ensure that students with disabilities have meaningful access to all aspects of the district's abuse/harassment prevention system. District policies and practices must effectively address the unique vulnerability of students with disabilities to abuse and neglect, as research shows that such students are at statistically greater risk of maltreatment. Data shows that people with intellectual disabilities (youth and adult), are the victims of sexual assaults at rates more than seven times those for people without disabilities (Justice Department data, NPR investigation). While the District must regularly review its multi-tiered abuse prevention framework to ensure efficacy and reliability as to the general population of students, it is critical that the District ensure competent efforts on behalf of highly vulnerable cohorts of students. Districts must also ensure that training and information is available to students with limited English language proficiency as well.
- Meaningful Title IX Training. Students, families, school personnel, and Board of Education members should receive meaningful training and information regarding the District's Title IX policies and sexual abuse prevention framework, including the purpose of such policies as well as avenues that students or adults can take to report concerns and receive support. Training should be provided annually, in-person, and be scenario-based. As sexual abuse is underreported and often unseen, training should include information/data about sexual abuse/harassment prevalence to help combat cognitive dissonance and denial that can undermine prevention efforts.
- Open and continuous dialogue with District personnel. District/s should meet with teachers and other school personnel at regular intervals to facilitate an open dialogue

regarding concerns or challenges in the creation of a positive school climate and abuse prevention framework.

- Independent Ombudsperson. In general, school districts should consider the potential utility of an independent ombudsperson to hear concerns and questions from students, families or school employees. An ombudsperson can also identify trends and concerns, bring such trends to executive leadership, identify training needs and other areas for additional review or technical support.
- Specific policies regarding student/staff interaction and corresponding progressive discipline. The District should have written policies regarding relationships between staff and students, including descriptions of educationally appropriate touching, limitations on closed-door, after-hours activities with only one student, required reporting by other teachers and employees, and required chaperones for off-site trips. Policies should address leisure time with students, transportation rules and electronic communication. Electronic communication should be limited to district-sponsored learning platforms so that administrators and parents can monitor. After-school district-sponsored activities must be closely monitored.

Policies should specify how breaches and boundary crossing will be addressed, even where sexual abuse is not suspected. Progressive discipline policies must be integrated into a multi-tiered, multi-disciplinary abuse prevention framework. The District should assess barriers to effective progressive discipline to determine needed remedies that will support safe school climate while ensuring due process for school personnel.

- Specific attention to policies and trainings regarding grooming behaviors. District training and codes of conduct must specifically address and define grooming behaviors, and such training should be scenario-based to give participants the opportunity to practice responses. Adults should be knowledgeable about what their role is in supporting student safety, identifying grooming red flags, and knowing how to respond if a youth discloses abuse or concerns.
- Acknowledge importance of relational and nurturing learning environment while being cognizant of need for abuse/misconduct prevention. Training regarding abuse prevention and positive school climate must emphasize the benefit of positive and nurturing interactions between students, while carefully explaining risks and exploitive behavior with regard to vulnerable children and reviewing specific district policies regarding staff-student relations and conduct. Training should acknowledge participant concerns or confusion regarding how to have safe and appropriate relationships in the school environment. Emphasis should also be placed on ensuring building and district leaders receive ample training in abuse prevention and educator sexual misconduct. Training should specifically address the unique vulnerability of certain cohorts of students, such as students with disabilities and English language learners.

- Abuse prevention training cannot be limited to training regarding mandated reporting. Training *cannot* be limited to mandated reporter training or even how to respond to abuse concerns (i.e. “minimal facts” trainings for school support personnel.) Such trainings do not address prevention needs. The legislature or the State Department of Education may need to help support school districts import and facilitate effective sexual abuse prevention training. See also the “Enough Abuse” campaign for more information about prevention activities schools can participate in. <http://www.enoughabuse.org/>.

Training regarding abuse prevention cannot be approached as a discrete activity, distinct and separate from other initiatives regarding safe school climate and social-emotional learning. Prevention activities must be connected and integrated.

The District should ensure that there are clear standards for training regular volunteers, part-time or temporary employees, including coaches and mentors, regarding the district’s sexual abuse prevention framework and expectations for adults working with students.

- Evaluate efficacy of District’s sexual abuse prevention curriculum. The District should periodically evaluate, with outside technical support if needed, the efficacy/fidelity of its sexual abuse prevention curriculum for students, required by Connecticut law since 2016. OCA will also be recommending that the State Department of Education consider expanding its capacity to provide districts or connect districts with technical assistance necessary to support sexual abuse prevention activities.
- Collect data regarding abuse/harassment and efficacy of prevention efforts. Data collection/survey instruments regarding positive school climate and/or adolescent risky behavior that are utilized in the District should be amended to include questions relevant to abuse prevention. This change will allow the District to collect critical information from students and adults regarding prevalence of sexual misconduct or other forms of harassment or abuse in the school community and prospectively inform goals for prevention.

The district may consider the use of a centralized team to respond to all incidents of educator sexual misconduct, which would also allow patterns of behavior to be detected and greater protection for students.

- Seek outside technical assistance where needed. State commissions or community-based organizations may be helpful in providing further technical assistance, including, but not limited to: The State Department of Education, the Commission on Women, Children and Senior, The Department of Children and Families, and the Connecticut Chapter of Prevent Child Abuse America.

2. Ensure Investigations into Allegations of Sexual Abuse or Misconduct are Consistent with Title IX Requirements

The District should take any necessary steps to ensure that employees implementing the Title IX compliance framework are well trained, supported and supervised with regard to investigating allegations of sexual misconduct. The State Department of Education is a necessary partner in this work and can support the District's ongoing efforts to strengthen Title IX compliance via training and ongoing technical assistance. Ensure that appropriate supports and information are provided to staff, parents, and students during and at the completion of investigations.

3. Ensuring Adequate Practices Regarding The Hiring, Training, And Supervision Of Non-Certified Or Temporary Employees In The District

It is vital to ensure that District practices regarding the recruitment, hiring and retention of employees who will work one to one with students, particularly vulnerable students with disabilities, are comprehensive, consistent with state and federal law requirements regarding necessary qualifications and background checking, and regularly audited for quality assurance purposes. It is also critical that employees hired to support the educational, safety and well-being needs of students, with or without disabilities, are provided structured pre- and in-service training, inclusive of child-specific training where applicable, and direct supervision by highly qualified teachers and administrators. The District should develop a quality assurance framework for reviewing hiring and supervision practices with regard to various categories of school personnel who work with vulnerable students. The District may also want to consider conducting a needs-assessment regarding the utilization of paraprofessional personnel in the district, as well as recruitment and retention challenges. Ongoing audit activities being conducted by the District and its consultants should also include examination of whether paraprofessional employees and other non-certified educational staff are provided adequate compensation, training and supervision to support high quality work with vulnerable students.

4. Ensure Required Background Checks Are Completed

The District's ongoing audit and review of its hiring practices should continue to emphasize examination of background check practices, including criminal and child welfare background checks where applicable, whether applicants have appropriate certifications and permits (where required) for the positions that they seek, and when previous employers will be contacted. As with other aspects of a multi-tiered prevention framework, human resource practices must reflect the unique risks and vulnerability to harm of highly vulnerable students such as young children and children with disabilities to ensure that individuals who work with such students are carefully screened. The District should employ a thoughtful framework for consideration of an individual's application for employment where such individual has a criminal record. OCA supports criminal justice and general public policy reforms that facilitate re-entry of formerly incarcerated individuals into the community and the workforce. Rather than barring individuals with criminal records from employment, child-serving agencies, local and state, should have a clearly delineated process for how criminal histories are reviewed, including who must be part of the review process and what criteria are utilized to determine the applicant's suitability for employment, particularly in a child-serving capacity.

5. Ensure Appropriate Hiring and Supervision Protocols for Employees Whose Jobs Include Individual/Alone Time with Students

While OCA strongly supports state and local efforts to create nurturing, relational, and trauma-informed learning environments, districts' multi-tiered abuse prevention frameworks must include

specific attention to circumstances that create greater opportunity for exploitation and abuse. Individual relationships between staff and students, while important and at times appropriate, also create avenues for grooming and eventual misconduct by adults who have an interest in exploiting a student for personal reasons. The district must have clear protocols regarding staff-student interaction, documentation of student interactions, close supervision for employees who frequently meet alone with students, and attention to the areas of the building/s where staff and students meet for one-on-one interactions (e.g., how are hallways and empty classrooms monitored/lit/accessible?).

6. Ensure A Working Framework For Compliance With State Mandated Reporter Laws

- Districts must ensure that all employees are trained to understand that it is not the role of the employee to evaluate or investigate an allegation of suspected abuse or neglect, it is only their obligation to report “reasonable suspicion” to law enforcement or DCF. Districts must utilize a quality assurance framework that ensures training goals are met, and violations of district policy relevant to mandated reporting are quickly identified and addressed.
- The District should consider the value of developing Memorandum of Understanding with local law enforcement and child welfare agencies, inclusive of clear communication protocols with such agencies, to clarify and coordinate investigative activities and responsibilities shared by the District with local and state officials.
- The District should also establish periodic meetings with the leadership team from the Norwich/New London DCF office to discuss strategies that support child safety and well-being, and identify any program/building concerns or recommendations.

With regard to the OCA’s ongoing investigation activities, we anticipate more records will be submitted by NLPS, including a Human Resources audit and additional information in response to follow-up questions from OCA. Meetings with NLPS administrators in the next several weeks are anticipated to discuss the OCA’s preliminary review, identified concerns and future recommendations. Currently, we are available November 5, 6, or 12 for meetings with New London and District representatives.

Please do not hesitate to contact me at any time with any questions, concerns, or comments about the subject matter of this communication.

Sincerely,

Sarah Healy Eagan
Child Advocate, State of Connecticut

cc: Cynthia Richie, Superintendent, New London Public School District
Kevin Roy, J.D., Shipman & Goodwin LLP
Dr. Miguel Cardona, Commissioner, State Department of Education,
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